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104TH CONGRESS
2D SESSION

S. 1856

To establish a commission to study and provide recommendations on restoring solvency in the medicare program under title XVIII of the Social Security Act.

IN THE SENATE OF THE UNITED STATES

JUNE 11, 1996

Mr. DOLE (for himself, Mr. ROTH, Mr. SIMPSON, Mr. PRESSLER, Mr. HATCH, Mr. CHAFEE, Mr. MURKOWSKI, and Mr. COCHRON) introduced the following bill; which was read twice and referred to the Committee on Finance

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A BILL

To establish a commission to study and provide recommendations on restoring solvency in the medicare program under title XVIII of the Social Security Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Restoration Act of 1996".

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the National Commission on Medicare Reform (referred to in this Act as the "Commission").

SEC. 3. FINDINGS.

The Congress finds that—

(1) the medicare program under title XVIII of the Social Security Act provides essential health care insurance to this Nation's senior citizens and to individuals with disabilities;

(2) the Federal Hospital Insurance Trust Fund will be bankrupt in the year 2001, and faces even greater solvency problems in the long-run with the aging of the baby boom generation;

(3) the trustees of the trust funds of the medicare program have reported that growth in spending within the Federal Supplementary Medical Insurance Trust Fund is unsustainable; and

(4) expeditious action is needed in order to restore the fiscal health of the medicare program and to maintain this Nation's commitment to senior citizens and to individuals with disabilities.

SEC. 4. DUTIES OF THE COMMISSION.

The Commission shall—

(1) review relevant analyses of the current, short-term, and long-term financial condition of the

Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund under title XVIII of the Social Security Act;

(2) identify problems that threaten the solvency of such trust funds;

(3) analyze potential solutions to such problems that will both assure the financial integrity of the medicare program under such title and the provision of appropriate benefits under such program;

(4) make recommendations to restore the short-range and long-range solvency of the Federal Hospital Insurance Trust Fund, to provide for sustainable growth of the Supplementary Medical Insurance Trust Fund, and on related matters as the Commission deems appropriate; and

(5) review and analyze such other matters as the Commission deems appropriate.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members, of whom—

(1) five shall be appointed by the President, of whom not more than 3 shall be of the same political party;

(2) five shall be appointed by the Majority Leader of the Senate, in consultation with the Mi-

1 nority Leader of the Senate, of whom not more than
2 3 shall be of the same political party; and
3 (3) five shall be appointed by the Speaker of
4 the House of Representatives, in consultation with
5 the Minority Leader of the House of Representa-
6 tives, of whom not more than 3 shall be of the same
7 political party.
8 (b) COMPTROLLER GENERAL.—The Comptroller
9 General of the United States shall advise the Commission
10 on the methodology to be used in identifying problems and
11 analyzing potential solutions in accordance with section 4.
12 (c) TERM OF APPOINTMENT.—The members shall
13 serve on the Commission for the life of the Commission.
14 (d) MEETINGS.—The Commission shall locate its
15 headquarters in the District of Columbia, and shall meet
16 at the call of the Chairperson.
17 (e) QUORUM.—Ten members of the Commission shall
18 constitute a quorum, but a lesser number may hold hear-
19 ings.
20 (f) CHAIRPERSON AND VICE CHAIRPERSON.—Not
21 later than 15 days after all the members of the Commis-
22 sion are appointed, such members shall designate a Chair-
23 person and Vice Chairperson from among the members of
24 the Commission.

(g) VACANCIES.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made not later than 30 days after the Commission is given notice of the vacancy.

(h) COMPENSATION.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(i) EXPENSES.—Each member of the Commission shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 6. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—

(1) APPOINTMENT.—Upon consultation with the members of the Commission, the Chairperson shall appoint a Director of the Commission.

(2) COMPENSATION.—The Director shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the Director may appoint such personnel as the Director considers appropriate.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing

appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission.

(f) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress and agencies and elected representatives of the executive and legislative branches of the Federal Government. The Chairperson of the Commission shall make requests for such access in writing when necessary.

(g) PHYSICAL FACILITIES.—The Administrator of the General Services Administration shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission

1 and shall include all necessary equipment and incidentals
2 required for the proper functioning of the Commission.

3 **SEC. 7. POWERS OF COMMISSION.**

4 (a) HEARINGS.—The Commission may conduct pub-
5 lic hearings or forums at the discretion of the Commission,
6 at any time and place the Commission is able to secure
7 facilities and witnesses, for the purpose of carrying out
8 the duties of the Commission.

9 (b) DELEGATION OF AUTHORITY.—Any member or
10 agent of the Commission may, if authorized by the Com-
11 mission, take any action the Commission is authorized to
12 take by this section.

13 (c) GIFTS, BEQUESTS, AND DEVISES.—The Commis-
14 sion may accept, use, and dispose of gifts, bequests, or
15 devises of services or property, both real and personal, for
16 the purpose of aiding or facilitating the work of the Com-
17 mission. Gifts, bequests, or devises of money and proceeds
18 from sales of other property received as gifts, bequests,
19 or devises shall be deposited in the Treasury and shall be
20 available for disbursement upon order of the Commission.

21 (d) MAILS.—The Commission may use the United
22 States mails in the same manner and under the same con-
23 ditions as other Federal agencies.

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SEC. 8. REPORTS.

Not later than June 30, 1997, the Commission shall submit a report to the President and to the Congress on the findings and conclusions of the Commission.

SEC. 9. TERMINATION.

The Commission shall terminate on the date which is 30 days after the date the Commission submits its report to the President and to the Congress under section 8.

SEC. 10. FUNDING.

The Secretary of Health and Human Services shall provide to the Commission, out of funds otherwise available to such Secretary, such sums as are necessary to carry out the purposes of the Commission.

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